

SCHIFF HARDIN & WAITE

PATENT DEPARTMENT
6600 SEARS TOWER
233 SOUTH WACKER DRIVE
CHICAGO, ILLINOIS 60606 USA
TELEPHONE: 312-258-5500
PATENT DEPARTMENT TELEFAX: 312-258-5921

FAX RECEIVED

JAN 14 2003

TECHNOLOGY CENTER 2800

TELEFAX COVER SHEET

TO: Examiner Brad Baumeister - GAU 2815 - U.S.P.T.O. - (703) 308-7722
FROM: Mark Bergner
DATE: January 14, 2003
SUBJECT: Informal/Draft Telephone Interview Discussion Points for U.S.
Serial No. 09/750,004, Illek et al, Our Case P00,1975.

CONFIDENTIALITY NOTICE

THIS FAX TRANSMISSION CONSISTS OF CONFIDENTIAL AND/OR ATTORNEY CLIENT PRIVILEGED AND/OR ATTORNEY WORK PRODUCT INFORMATION, AND IS INTENDED FOR THE ADDRESSEE ONLY. IF YOU RECEIVE THIS FAX IN ERROR, PLEASE CONTACT SCHIFF HARDIN & WAITE BY COLLECT TELEPHONE CALL TO ARRANGE FOR THE RETURN OF THIS MATERIAL. ANY USE OF THIS MATERIAL BY ANYONE OTHER THAN THE ADDRESSEE IS STRICTLY PROHIBITED.

MESSAGE:

TOTAL NUMBER OF PAGES INCLUDING COVER SHEET: 3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INFORMAL / DRAFT
TELEPHONE INTERVIEW DISCUSSION POINTS

APPLICANT: ILLEK et al DOCKET NO: P00,1975
SERIAL NO.: 09/750,004 ART UNIT: 2815
FILED: December 27, 2000 EXAMINER: B. Baumeister
Confirmation No. 6618

TITLE: SEMICONDUCTOR CHIP FOR OPTOELECTRONICS

FAX RECEIVED

5 Examiner Bradley W. Baumeister
Washington, D.C. 20231

JAN 14 2003

TECHNOLOGY CENTER 2800

Dear Examiner Baumeister:

10 Thank you very much for agreeing to a telephone interview in the above identified case on January 15, 2003 at 10:00 EST, which is currently under a final rejection based on the Office Action (OA), dated July 17, 2002.

15 We would like to propose the following amendments and provide the following distinctions over the prior art to see if you would consider placing the case in a condition for allowance. We would elect claims 15-42 without traverse.

20 17. (Proposed Amended) A semiconductor chip according to claim 15, wherein said active thin-film layer includes a layer sequence based on $In_{1-x-y}Al_xGa_yP$ (whereby $0 \leq x \leq 1$, $0 \leq y \leq 1$ and $x+y \leq 1$ applies). (overcoming the claim objection)

25 19. (Proposed Amended) A semiconductor chip according to claim 15, wherein said plurality of mesas are formed only in radiation-generating regions of said active thin film [layers] layer. (overcoming the first 112, 2nd paragraph rejection)

30 33. (Proposed Amended) A semiconductor chip according to claim 15, further comprising:

an electrical contact area next to said thin-film layer at that side of said thin-film layer [facing toward said thin film layer] opposite to said carrier substrate. (overcoming the second 112, 2nd paragraph rejection)

35 Cancel claims 29, 30, and 34-36 without prejudice. (overcoming the drawing objections and the 112 1st paragraph rejection)

As to the art rejections, we would briefly like to discuss the following points and ask you to

please reconsider your art rejections.

It is our understanding that Umeda '587 does not address thin-film technology, but rather teaches away from it, and that further, the thin film technology of the present invention was not known at the time of filing of Umeda (May 4, 1973).

5 Conventionally, thin-film technology deals with forming electronic elements or networks on a supporting substrate where film thicknesses are less than $5\mu\text{m}$ and usually on the order of 0.03 to $1\mu\text{m}$. Thick-film technology deals with forming electronic elements or networks on a supporting substrate where film thicknesses are usually $10\mu\text{m}$ or greater. See, e.g., Fink & Christiansen, *Electronics Engineers' Handbook, Second Edition*, McGraw Hill: New York, 1982. The these 10 different technologies employ different techniques that impart different characteristics and constraints on respective devices. Umeda expressly teaches away from thin-film techniques, based on the elements as you construed them in your office action. Umeda states at 6/42-46, "...and the thickness of layer 24 should be 40μ or more in order to compensate for any irregularity of the crystal lattice and that the effect intended in this invention is most significant when the 15 thickness of the layer 26 is made greater than 50μ . Since both of your constructions for Umeda's "thin-film" layer included elements 24 and 26, this would give a thickness of at least $90\mu\text{m}$ —and Umeda teaches that the effect is most significant when these layers are even thicker. This is clearly not in the thin-film realm of the present invention.

As to Masahiko JP '731 reference, this does not disclose a semiconductor body 20 comprising an active thin-film layer wherein cavities are formed proceeding from a carrier substrate. While JP '731 does contain a substrate 1, the grooves 9 are contained in the substrate itself and do not proceed from it as required by claim 15.

I respectfully ask that you take these factors and the proposed amendment into 25 consideration for our interview. I also welcome any suggestions you might consider for claim language that could emphasize these distinctions should you deem it necessary. Again, thank you for your time, consideration, and willingness to conduct the interview.

Sincerely,

 (Reg. No. 45,877)

30 Mark Bergner
Schiff Hardin & Waite
6600 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6473
(312) 258-5779
35 Attorneys for Applicant

FAX RECEIVED

JAN 14 2003

TECHNOLOGY CENTER 2800